

**DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name; I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **"G-CSF Therapy as an Adjunct to Reperfusion Therapy in the Treatment of Acute Myocardial Infarction"** the specification of which is attached hereto. I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims. I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

**POWER OF ATTORNEY:** I hereby appoint as my attorneys, with full powers of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

John B. Lungmus (18,566)  
Allen H. Gerstein (22,218)  
Michael F. Borun (25,447)  
Carl E. Moore, Jr. (26,487)  
Richard H. Anderson (26,526)  
Patrick D. Ertel (26,877)  
Richard B. Hoffman (26,910)  
James P. Zeller (28,491)

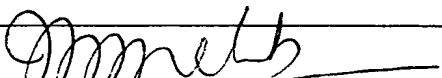
Thomas I. Ross (29,275)  
Kevin D. Hogg (31,839)  
Jeffrey S. Sharp (31,879)  
Martin J. Hirsch (32,237)  
Richard M. La Barge (32,254)  
James J. Napoli (32,361)  
Robert M. Gerstein (34,824)  
Michael R. Hull (35,902)

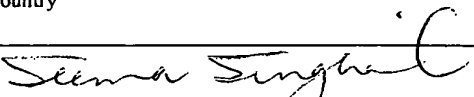
Anthony G. Sitko (36,278)  
James A. Flight (37,622)  
Roger A. Heppermann (37,641)  
David A. Gass (38,153)  
Gregory C. Mayer (38,238)  
Michael R. Weiner (38,359)  
Joseph A. Williams, Jr. (38,659)  
David C. Read (39,811)


Thomas A. Miller (40,091)  
William K. Merkel (40,725)  
Sandip H. Patel (43,848)  
Kevin M. Flowers (44,684)  
William J. Kramer (46,229)


**Send correspondence to: Michael F. Borun (Reg. No. 25,447)**

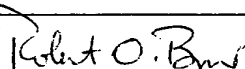
FIRM NAME	PHONE NO.	STREET	CITY & STATE	ZIP CODE
Marshall, Gerstein & Borun LLP	312-474-6300	6300 Sears Tower 233 South Wacker Drive	Chicago, Illinois	60606-6357

Full Name of First or Sole Inventor <b>Jayesh Mehta</b>	Citizenship <b>USA</b>
Residence Address - Street <b>474 N. Lake Shore Drive, Apt. 5906</b>	Post Office Address - Street <b>474 N. Lake Shore Drive, Apt. 5906</b>
City (Zip) <b>Chicago 60611</b>	City (Zip) <b>Chicago 60611</b>
State or Country <b>Illinois</b>	State or Country <b>Illinois</b>
Date <input checked="" type="checkbox"/> <b>23 October 2003</b>	Signature <input checked="" type="checkbox"/> 

Second Joint Inventor, if any <b>Seema Singhal</b>	Citizenship <b>USA</b>
Residence Address - Street <b>474 N. Lake Shore Drive, Apt. 5906</b>	Post Office Address - Street <b>474 N. Lake Shore Drive, Apt. 5906</b>
City (Zip) <b>Chicago 60611</b>	City (Zip) <b>Chicago 60611</b>
State or Country <b>Illinois</b>	State or Country <b>Illinois</b>
Date <input checked="" type="checkbox"/> <b>23 October 2003</b>	Signature <input checked="" type="checkbox"/> 

Third Joint Inventor, if any <b>Charles Davidson</b>	Citizenship <b>USA</b>
Residence Address - Street <b>1311 Sunview Lane</b>	Post Office Address - Street <b>1311 Sunview Lane</b>
City (Zip) <b>Winnetka 60093</b>	City (Zip) <b>Winnetka 60093</b>
State or Country <b>Illinois</b>	State or Country <b>Illinois</b>
Date <input checked="" type="checkbox"/> <b>10/27/03</b>	Signature <input checked="" type="checkbox"/> 

Fourth Joint Inventor, if any <b>Nirat Beohar</b>	Citizenship <b>Indian</b>
Residence Address - Street <b>474 N. Lake Shore Drive</b>	Post Office Address - Street <b>474 N. Lake Shore Drive</b>
City (Zip) <b>Chicago 60611</b>	City (Zip) <b>Chicago 60611</b>
State or Country <b>Illinois</b>	State or Country <b>Illinois</b>
Date <input checked="" type="checkbox"/> <b>10/27/03</b>	Signature <input checked="" type="checkbox"/> 

Fifth Joint Inventor, if any <b>Robert Bonow</b>	Citizenship <b>USA</b>
Residence Address - Street <b>661 Bluff St.</b>	Post Office Address - Street <b>661 Bluff St.</b>
City (Zip) <b>Glencoe 60022</b>	City (Zip) <b>Glencoe 60022</b>
State or Country <b>Illinois</b>	State or Country <b>Illinois</b>
Date <input checked="" type="checkbox"/> <b>10/27/03</b>	Signature <input checked="" type="checkbox"/> 

## APPLICABLE RULES AND STATUTES

### 37 CFR 1.56. DUTY OF DISCLOSURE - INFORMATION MATERIAL TO PATENTABILITY (Applicable Portion)

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
  - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentability defines, to make sure that any material information contained therein is disclosed to the Office.
- Information relating to the following factual situations enumerated in 35 USC 102 and 103 may be considered material under 37 CFR 1.56(a).

### 35 U.S.C. 102. CONDITIONS FOR PATENTABILITY: NOVELTY AND LOSS OF RIGHT TO PATENT

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent, or
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or
- (c) he has abandoned the invention, or
- (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States, or
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraph (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or
- (f) he did not himself invent the subject matter sought to be patented, or
- (g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

### 35 U.S.C. 103. CONDITIONS FOR PATENTABILITY; NON-OBVIOUS SUBJECT MATTER (Applicable Portion)

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

### 35 U.S.C. 112. SPECIFICATION (Applicable Portion)

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.